

Permit number: DC 0000019
December 18, 2002

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, 33 U.S.C.A. § 1251 et seq.
(The “Act”)

Department of the Army
Baltimore District, Corps of Engineers
Washington Aqueduct Division

Arlington County
2100 Clarendon Blvd., Suite 302
Arlington, VA 22201

District of Columbia Water and Sewer Authority
5000 Overlook Avenue, SW
Washington, DC 20032

City of Falls Church
300 Park Avenue
Falls Church VA 22046

Collectively referred to herein as “Permittee(s)”

are authorized to discharge from a facility located at

5900 MacArthur Boulevard, NW
Washington D.C. 20315-0220

to receiving waters named the Potomac River and Rock Creek in accordance with effluent
limitations, monitoring requirements and other conditions set forth in Parts I, II, and III herein.

This permit shall become effective on _____.

This permit and the authorization to discharge shall expire 5 years after this date.

Jon M. Capacasa, Acting Director Date
Water Protection Division
U.S. Environmental Protection Agency, Region III

Part I - EFFLUENT LIMITS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - DALECARLIA SEDIMENTATION BASINS

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee(s) is authorized to discharge from Dalecarlia Sedimentation Basins Numbers 1, 2, 3 and 4 through Outfall 002. Subject to conditions in Part III, no discharge from this outfall shall occur during the spring spawning season.

Such discharges shall be limited and monitored by the permittee(s) as specified below:

| <u>Effluent Characteristic</u> <u>kg/day(lb/day)</u> | <u>Discharge Limitations</u> | | | <u>Monitoring Requirements</u> | |
|---|-------------------------------|-------------------|--------------------|--------------------------------|------------------|
| | <u>Other Limits (Specify)</u> | | | <u>Measurement</u> | <u>Sample</u> |
| | <u>Avg Monthly</u> | <u>Max. Daily</u> | <u>Avg Monthly</u> | <u>Frequency</u> | <u>Type</u> |
| Flow (mgd) | N/A | N/A | gpd ⁽¹⁾ | Continuous | Recorded |
| Total Suspended Solids ⁽³⁾ | N/A | N/A | 30 mg/l | 2x week | 24-hr. composite |
| Aluminum (total) | N/A | N/A | 4 mg/l | 2x week | 24 hr. composite |
| Iron (dissolved) | N/A | N/A | N/L ⁽¹⁾ | 2x week | 24 hr. composite |
| Chlorine, total residual ⁽²⁾ | N/A | N/A | N/A | 1x day | grab |

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored once per day by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts

Samples taken in compliance with the monitoring requirements specified above, with the exception of the chlorine samples shall be taken at the location in each of the sedimentation basins where the effluent discharges from that basin. The sampling point for the chlorine samples for outfall 002 shall be the hydro-station on Clara Barton Parkway.

⁽¹⁾ - No limit, only monitoring is required.

⁽²⁾ - No chlorine shall be discharged in detectable amounts.

⁽³⁾ - TSS must meet 85% removal requirements as specified at Part III.C.1 of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - GEORGETOWN SEDIMENTATION BASINS

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee(s) is authorized to discharge from the Georgetown Sedimentation Basins through Outfalls 003 and 004. Outfall 004 is the discharge point for effluent and solids from the Georgetown sedimentation basin #1. Outfall 004 and Outfall 003 are discharge points for effluent and solids from the Georgetown sedimentation basin #2. Subject to the special condition provisions found at Part III. B of this permit, permittee(s) may discharge from Outfalls 003 and 004. No discharge from these outfalls shall occur during the spring spawning season.

Such discharges shall be limited and monitored by the permittee(s) as specified below:

| <u>Effluent Characteristic</u> <u>kg/day(lb/day)</u> | <u>Discharge Limitations</u> | | | <u>Monitoring Requirements</u> | |
|---|-------------------------------|-------------------|--------------------|--------------------------------|------------------------------|
| | <u>Other Limits (Specify)</u> | | | <u>Measurement</u> | <u>Sample</u> |
| | <u>Avg Monthly</u> | <u>Max. Daily</u> | <u>Avg Monthly</u> | <u>Max. Daily</u> | <u>Frequency</u> <u>Type</u> |
| Flow (mgd) | N/A | N/A | gpd ⁽¹⁾ | continuous | recorded |
| Total Suspended Solids ⁽²⁾ | N/A | N/A | 30 mg/l | 60 mg/l | 2x week 24-hr. composite |
| Aluminum (total) | N/A | N/A | 4 mg/l | 8 mg/l | 2x week 24 hr. composite |
| Iron (dissolved) | N/A | N/A | N/L ⁽¹⁾ | N/L ⁽¹⁾ | 2x week 24 hr. composite |

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored once per day by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the location in each of the sedimentation basins where the effluent is discharged from that basin.

⁽¹⁾ No limit, only monitoring is required.

⁽²⁾ - TSS must meet 85% removal as required at Part III.C.1 of this permit.

C. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - OTHER DALECARLIA DISCHARGE

During the period beginning with the effective date of this permit and lasting through the expiration date, the permittee(s) is authorized to discharge effluent comprised of leakage and/or discharge from a spring located underneath the Dalecarlia Sedimentation Basins through Outfall 002. Such discharges shall be limited and monitored by the permittee(s) as specified below:

| Effluent Characteristic | <u>kg/day(lb/day)</u> | | <u>Discharge Limitations</u> | | <u>Monitoring Requirements</u> | |
|-------------------------------|-----------------------|-------------------|------------------------------|------------------|--------------------------------|--------------------|
| | <u>Avg. Monthly</u> | <u>Max. Daily</u> | <u>All Units (mg/L)</u> | | <u>Measurement Frequency</u> | <u>Sample Type</u> |
| | | | <u>Avg. Monthly</u> | <u>Max Daily</u> | | |
| Flow (mgd) | N/A | N/A | N/A | N/A | 1 x quarter | estimate |
| Total Suspended Solids | N/A | N/A | 30 | 60 | 1 x quarter | grab |
| Total Aluminum | N/A | N/A | 4 | 8 | 1 x quarter | grab |
| Iron dissolved | N/A | N/A | N/A | N/A | 1 x quarter | grab |
| Total Chlorine ⁽¹⁾ | N/A | N/A | N/A | N/A | 1 x quarter* | grab |

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored once per quarter by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

⁽¹⁾ - No Chlorine shall be discharged in detectable amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at outfall 002.

* In addition to the monitoring requirement of 1x quarter, monitoring will be done at a frequency of 1x day grab whenever pre-chlorination to the Dalecarlia sedimentation basins is occurring.

D. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - CITY TUNNEL AND GEORGETOWN CONDUIT

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee(s) is authorized to discharge from outfall number 006 directly to the Potomac River and from Outfall 007 from the City Tunnel to Rock Creek. Discharge from outfall 006 is treated water blowoff from the Georgetown Conduit. Discharge from outfall 007 is treated water blowoff from the City Tunnel.

Such discharges shall be limited and monitored by the permittee(s) as specified below:

| <u>Effluent Characteristic</u> | <u>Discharge Limitations</u> | | | <u>Monitoring Requirements</u> | |
|--|------------------------------|-------------------------|--------------------|--------------------------------|---------------|
| | <u>kg/day(lb/day)</u> | <u>All Units (mg/L)</u> | | <u>Measurement</u> | <u>Sample</u> |
| | <u>Avg Monthly</u> | <u>Max. Daily</u> | <u>Avg Monthly</u> | <u>Frequency</u> | <u>Type</u> |
| Flow (mgd) | N/A | N/A | N/A | 1x discharge | estimate |
| Total Suspended Solids | N/A | N/A | 30 | 1x discharge | Grab* |
| Total Aluminum | N/A | N/A | 4 | 1x discharge | Grab* |
| Iron dissolved | N/A | N/A | 4 | 1x discharge | Grab* |
| Total Residual Chlorine ⁽¹⁾ | N/A | N/A | N/A | 1x discharge | Grab* |

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored at the point of discharge.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

¹⁾ No chlorine shall be discharged in detectable amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: at Outfalls 006 and 007.

* A grab sample shall be taken at the beginning and the end of the above discharges, except for Total Residual Chlorine which shall be sampled at the start of the discharge.

Part II STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee(s) must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Waters Act and is grounds for enforcement action: for permit termination, revocation and re-issuance or modification; and/or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

a. Criminal Penalties

1. Negligent Violations. Section 309(c)(1) of the Clean Water Act (CWA), 33 U.S.C. § 1313(c)(1), provides that any person who negligently violates any permit, condition or limitation implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year or both.

2. Knowing Violations. Section 309(c)(2) of the CWA, 33 U.S.C. § 1313(c)(2), provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years or both.

3. Knowing Endangerment. Section 309(c)(3) of the CWA, 33 U.S.C. § 1313(c)(3), provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA, and knows at the time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

4. False Statement. Section 309(c)(4) of the CWA, 33 U.S.C. § 1313(c)(4), provides that any person who knowingly makes any false material statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years or by both. False statements concerning matters with the jurisdiction of a federal agency are also punishable pursuant to 18 U.S.C. § 1001 by a prison term of up to five years, a fine imposed under Title 18, Crimes and Criminal Procedure, of the United States Code, or both.

b. Civil Penalties

1. The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

c. Administrative Penalties

1. The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Act is subject to an administrative penalty as follows:

2. Class I Penalty. Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

3. Class II Penalty. Not to exceed \$11,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$137,500.

3. Duty to Mitigate

The permittee(s) shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Toxic Pollutants

Notwithstanding Section A, Paragraph 12, below, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee(s) shall be so notified.

The permittee(s) shall comply with effluent standards or prohibition established under section 307(a) of the Clean Water Act for toxic standards within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

Except as provided in permit conditions on “Bypassing” Part II, Section B, Paragraph 3 and “Upsets” Part II, Section B, Paragraph 4, nothing in this permit shall be construed to relieve the permittee(s) from civil or criminal penalties for noncompliance.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee(s) from any responsibilities, liabilities, or penalties to which the permittee(s) is or may be subject under Section 311 of the Act.

7. State Laws.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee(s) from any responsibilities, liabilities, or penalties established pursuant to any District of Columbia law or regulation under authority preserved by Section 510 of the Act. No condition of this

permit shall release the permittee(s) from any responsibility or requirements under other environmental statutes or regulations.

8. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Transfer of Permit

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. The current permittee(s) notifies the Director, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement, between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Director does not notify the current permittee(s) and the new permittee(s) of intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted.

11. Construction Authorization

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

12. Reopener Clause for permits

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 302, 304, and 307 of the Clean Water Act, if the effluent standard or limitations issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

- b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this Paragraph, shall also contain any other requirements of the Act then applicable.

This permit may be modified, revoked and reissued, or terminated for cause as specified at 40 C.F.R. §§ 122.44(c), 122.62, 122.63, 122.64 and 124.5.

This permit may be modified, or alternatively, revoked and reissued to comply with any State or Federal law or regulation that addresses Water Quality Standards, Total Maximum Daily Loads or any provision of this permit, and that is promulgated subsequent to the effective date of the permit. In addition, if the permittee(s) submits information demonstrating that the results of the shortnose sturgeon studies specified at Part III.D below, or other studies or information, demonstrate that the prohibition against discharge during the spring spawning season is not necessary to protect the Potomac Fishery and its habitat. If the permittee(s) seeks modification of this permit, permittee(s) shall submit its request to modify this permit in writing along with information supporting this request to EPA Region III and the National Marine Fisheries Service (NMFS). Any proposed modification of this permit will comply with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1531 et seq.) and its implementing regulations.

13. Endangered Species

EPA is required to consult under Section 7(a)(2) of the Endangered Species Act (ESA) regarding issuance of an NPDES permit that may affect any federally listed endangered or threatened species. On November 5, 2002, National Oceanic and Atmospheric Administration (NOAA) Fisheries issued a Biological Opinion (BO) for the draft Washington Aqueduct permit. The BO took into account the protection provided by the prohibition on discharges during the spring spawning season in Part 1. As a result of recommendations by NOAA Fisheries in the BO, EPA has incorporated additional notification requirements found in Part III.E of this permit and the performance of additional studies, found in Part III.D. In addition, this permit requires that the permittee(s) submit to NMFS an annual compilation of the Discharge Monitoring Reports (DMRs), which will be used by NMFS to further assess the potential for effects on endangered or threatened species. If these data indicate it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on habitats or endangered and threatened species.

The set of DMRs for each calendar year are to be submitted by February 15 of the following year to:

The National Marine Fisheries Service
Protected Resource Division
1 Blackburn Drive
Gloucester, MA 01930
Attention: Carrie McDaniels

National Park Service

C&O Canal NHP
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740
Attention: Superintendent

National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242
Attention: Regional Director

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee(s) shall at all times properly operate, inspect and maintain all facilities and systems of treatment and control (and related appurtenances including sewers, intercepting chambers, interceptors, combined sewer overflows, and emergency bypasses) which are installed or used by the permittee(s) to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent all pollutants from such materials from entering navigable waters.

3. Bypass of Treatment Facilities

a. Definitions

1. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility to the receiving stream.
2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

- b. Bypass not exceeding limitations. The permittee(s) may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Subparagraphs c and d of this Paragraph.
- c. Notice
 - 1. Anticipated bypass. If the permittee(s) knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.
 - 2a. Unanticipated bypass. The permittee(s) shall submit notice of an unanticipated bypass as required in Part II, Section D, Paragraph 6 (24-hour notice).
 - 2b. Permittee(s) must use its best efforts to notify National Oceanic and Atmospheric Administration (NOAA) Fisheries, orally and in writing, 24 hours in advance of a discharge taking place and no later than 24 hours after commencement of the discharge (if it is an unanticipated bypass) during the shortnose sturgeon spawning season. Such notice shall be made to the ESA Section 7 Fishery Biologist at 978-281-9112 or the Endangered Species Coordinator at 978- 281-9208, or a NOAA Fisheries designee contacted through the NOAA Fisheries general number at 978-281-9328.
 - 3. Notice of all bypass occurrences, including but not limited to the location, time and duration of the bypass shall be made to EPA Region III, DC DOH, US FWS, NPS, and NMFS. Notice to the NPS and NMFS shall be sent to the names and addresses found at Part II.A.13 above. Notice to EPA and DC DOH shall be sent to the names and addresses found at Part II.C.5 below. Notice to the US FWS shall be made to the following address: 177 Admiral Cochrane Drive, Annapolis, MD 20402, Attention: Environmental Contaminants Program Leader
- d. Prohibition of bypass.
 - 1. Bypass is prohibited and the Director may take enforcement action against a permittee(s) for bypass, unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the

use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This conditions is not satisfied if the permittee(s) could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- iii. The permittee(s) submitted notices as required under Subparagraph c of this Paragraph.
- iv. The permittee(s) meets the requirements found at Part III, Section E of this permit.

- 2. The Director may approve an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Subparagraph d(1) of this Paragraph.

4. Upset Conditions

- a. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee(s). An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Subparagraph c of this Paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee(s) who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the permittee(s) can identify the specific cause(s) of the upset;
 - ii. the permitted facility was at the time being properly operated;

- iii. the permittee(s) submitted notice of the upset as required in Part II, Section D, Paragraph 6; and
 - iv. the permittee(s) complied with any remedial measures required under Part II, Section A, Paragraph 3.
- d. Burden of proof. In any enforcement proceeding the permittee(s) seeking to establish the occurrence of an upset has the burden of proof.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in the permit. Monitoring points shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in this permit.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Monitoring results shall be submitted each month and reported on a DMR form postmarked no later than the 28th day of the following month. Copies of DMR's signed and certified as required by Part II, Section D, Paragraph 10, and all other reports required by Part II, Section D, Reporting Requirements, shall be submitted to the Director and the District of Columbia, Environmental Health Administration at the following addresses:

U.S. EPA Region III (3WP31)
Water Protection Division
NPDES DMRs
1650 Arch Street
Philadelphia, PA 19103

and

Government of the District of Columbia
Environmental Health Administration
Water Quality Division
51 N Street, 5th Floor, NE
Washington, DC 20002

In addition, a complete set of Discharge Monitoring Reports shall be sent to the US Fish and Wildlife Service, National Marine Fisheries Service and the National Park Service to the names and addresses specified at Part II.A.13 of this permit. Such monitoring reports shall be compiled for the preceding year and sent to NMFS on or before February 15 of the next calendar year, or as otherwise specified by the Services.

6. Monitoring and Analytical Equipment Maintenance

The permittee(s) shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure both calibration and maintenance activities will be conducted.

7. Analytical Quality Control

An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results, shall be maintained by the permittee(s) or designated commercial laboratory.

8. Additional Monitoring by the Permittee(s)

If the permittee(s) monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 C.F.R. 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR form. Such frequency shall also be indicated.

9. Retention of Records

The permittee(s) shall retain records of all monitoring information, including all calibration and maintenance record and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for the life of this permit.

10. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, time and methods of sampling of measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

11. Inspection and Entry

The permittee(s) shall allow the Director, or an authorized representative, upon the presentation of credentials and other document as may be required by law, to:

- a. Enter upon the permittee(s)'s premises where a regulated facility activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

12. Definitions

- a. The "daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represent the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- b. The "average monthly discharge limitation" means the highest allowable average of "daily discharge" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c. The "maximum daily discharge limitation" means the highest allowable "daily discharge."
- d. "Grab sample" - An individual sample collected in less than 15 minutes.
- e. "At outfall XX" - A sample location before the effluent joins or is diluted by any other waste stream, body of water, or substance or as otherwise specified.
- f. "Estimate" - To be based on a technical evaluation of the sources contribution to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.

- g. “Director” means the EPA Regional Administrator or an authorized representative.
- h. “Spring Spawning Season” means the period February 15 through June 30 each calendar year.
- i. “Shortnose Sturgeon Spawning Season” means March 1 through May 15 of each calendar year.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee(s) shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. The permittee(s) may submit to the permitting authority requests for modification of this provision in accordance with future promulgated regulations.

2. Anticipated Noncompliance

The permittee(s) shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit regulations.

3. Transfers

This permit is not transferable to any person except after notice to the Director as specified in Part II, Section A, Paragraph 10. The Director may require modification or revocation and reassurance of the permit to change the name of the permittee(s) and incorporate such other requirements as may be necessary under the Clean Water Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part II, Section C, Paragraph 5 (Reporting of Monitoring Results).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance may include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. Twenty-Four Hour Reporting

The permittee(s) shall report to EPA, DC DOH, USNPS, USFWS and NMFS at the addresses listed in Part II.A.13 and Part II.C.5 of this permit of any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee(s) becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee(s) becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to

continue; the steps taken or planned to reduce, eliminate, prevent recurrence of the noncompliance; and the steps taken to minimize any adverse impacts to navigable waters and/or park resources.

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation to the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of this permit.

Notification shall include a description of the problem causing the need for release, the date and anticipated time of the release, name and telephone number of a knowledgeable individual.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours and the noncompliance does not endanger health or the environment; however, oral and written notification of all noncompliance must be provided to the National Park Service.

7. Other Noncompliance

The permittee(s) shall report all instances of noncompliance not reported under Part II, Section D, Paragraphs 1, 4, 5, and 6 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph 6.

8. Duty to Provide Information

The permittee(s) shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee(s) shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

9. Duty to Reapply

If the permittee(s) wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee(s) must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. In the event that a timely and complete re-application has been submitted and the Director is unable, through no fault of the permittee(s), to issue a new

permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

10. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified as required by 40 C.F.R. 122.22.

11. Availability of Reports

Unless a confidentiality claim is asserted pursuant to 40 C.F.R. Part 2, all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. If a confidentiality claim is asserted, the report will be disclosed only in accordance with the procedures in 40 C.F.R. Part 2. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

12. Correction of Reports

If the permittee(s) becomes aware that it submitted incorrect information in any report to the Director, it shall promptly submit the correct information.

13. Changes in Discharges of Toxic Substances

The permittee(s) shall notify the Director as soon as it knows or has reason to believe that any activity has occurred or will occur that would result in the discharge of any toxic pollutant which is not limited in this permit.

SECTION E - BEST MANAGEMENT PRACTICES

1. Applicability

These conditions apply to all permittee(s) who use, manufacture, store, handle or discharge any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act or any pollutant listed as hazardous under Section 311 of the Act and who have ancillary manufacturing operations which could result in significant amounts of these pollutants reaching waters of the United States. These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations and sludge and waste disposal areas.

2. Best Management Practices Plan

The permittee(s) shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes the potential for the release of toxic substances from ancillary activities to the waters of the United States through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

3. Implementation

The plan shall be implemented as soon as possible but not later than one year after the effective date of the permit.

4. General Requirements

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
- b. Establish specific objectives for the control of toxic and hazardous pollutants
 - i. Each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - ii. Where experience indicates a reasonable potential for equipment failure, e.g., a tank overflow or leakage, natural condition, e.g., precipitation, or other circumstances to result in significant amounts of toxic or hazardous pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow and total quantity of toxic or hazardous pollutants which could be discharged from the

facility as a result of each condition or circumstance.

- c. Establish specific best management practices to meet the objectives identified under Subparagraph b of this Paragraph, addressing each component or system capable of causing a release of significant amounts of toxic or hazardous pollutants to the waters of the United States.
- d. Include any special conditions established in Part III of this permit.
- e. Be reviewed by plant engineering staff and the plant manager.

5. Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled “NPDES Best Management Practices Guidance Document” and shall, at a minimum, include the following baseline BMPs:

- a. BMP committee
- b. Reporting of BMP incidents
- c. Risk identification and assessment
- d. Employee training
- e. Inspections and records
- f. Preventive maintenance
- g. Good housekeeping
- h. Materials compatibility
- i. Security
- j. Materials inventory

6. Hazardous Waste Management

The permittee(s) shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Wastewater Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall be referenced in the BMP plan.

7. Documentation

The permittee(s) shall maintain a description of the BMP plan at the facility and shall make the plan available to the Director upon request.

8. BMP Plan Modification

The permittee(s) shall amend the BMP plan whenever there is a change in the facility or

change in the operation of the facility which materially increased the potential for the ancillary activities to result in a discharge of significant amount of hazardous or toxic pollutants.

9. Modification for Effectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of toxic or hazardous pollutants to surface waters and the specific objectives and requirements under Part II, Section E, Paragraph 4, Subparagraphs b and c, the permit and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements.

PART III SPECIAL CONDITIONS

A. The permittee(s) is authorized to discharge in accordance with the terms and conditions set forth in Part I of this permit. In addition, the following conditions shall apply to the discharges from the Dalecarlia Sedimentation basins through Outfall 002.

1. Part I of this permit specifically prohibits discharges during the spring spawning season (February 15 through June 30). In the event that a discharge as a result of a bypass or upset occurs during this period of time, the permittee(s) shall follow notification procedures found at Part II.B.3.c.2b; Part II.B.3.c.3; Part II.B.4.c.iv; and shall take the actions found at Part II.D.6 and Part III.E of this permit.
2. Permittee(s) is required to test the liquid and solid discharge from the Dalecarlia basins for chlorine. The sampling location shall be at the vault at the Hydrostation located on the Clara Barton Parkway. If these samples show a detectable level of chlorine, the permittee(s) shall provide treatment to ensure that the discharge contains no chlorine before it is discharged to the Potomac River.

B. The permittee(s) is authorized to discharge in accordance with the terms and conditions set forth in Part I of this permit. In addition, the following conditions shall apply to the discharges from the Georgetown sedimentation basins through Outfalls 003 and 004.

1. Part I of this permit specifically prohibits discharges during the Spring spawning season (February 15 through June 30). In the event that a discharge, as a result of a bypass or upset occurs during this period of time, the permittee(s) shall follow notification procedures found at Part II.B.3.c.2b; Part II.B.3.c.3; Part II.B.4.c.iv; and shall take the actions found at Part III.D.6 and Part III.E of this permit.

C. Additional Special Conditions

All discharges to District of Columbia waters, other than those specified in Parts I and III of this permit, are prohibited.

1. Using a combination of engineering and/or Best Management Practices, the permittee(s) shall increase the amount of incoming residual solids removed from the Dalecarlia and Georgetown sedimentation basins to meet the effluent limits for TSS specified in Parts I.A and B of this permit. These effluent limits are based upon a Best Professional Judgement (BPJ) analysis of available technologies and represent a minimum of 85% removal of incoming solids to the sedimentation basins.

2. Permittee(s) must record surface, mid-depth and bottom water temperatures 24 hours in advance of an anticipated discharge and no later than 24 hours after an unanticipated discharge during the shortnose sturgeon spawning season.
3. In the event of an anticipated bypass during the spring spawning season, permittee(s) shall monitor the Potomac River water quality at the discharge sites for pH, temperature, alkalinity and conductivity beginning before the discharge, on a daily basis to determine when water quality conditions are least sensitive to sediment discharges in the river.
4. In the event of an unanticipated discharge during the spring spawning season, permittee(s) shall monitor the Potomac River water quality at the discharge sites for pH, temperature, alkalinity and conductivity on a daily basis beginning within 6 hours after the unanticipated bypass, to determine the river quality conditions at the time of the unanticipated bypass.
4. The permittee(s) is prohibited from discharging dredged material from the Dalecarlia Reservoir to the Potomac River.
5. Within six months of the issuance date of this permit, the permittee(s) shall consult with and apply for permits from the National Park Service for a project to remove rocks from the vicinity of outfall 002 to ensure a controlled and measurable rate of sediment discharge. If NPS permits are granted, no later than six months after the issuance date of those permits, the permittee(s) shall use all reasonable measures to remove the rocks in accordance with those permits and notify EPA, NPS and DC DOH that it has done so. If permittee(s) is unable to remove the rocks within the specified time, within six months of issuance of the NPS permit permittee(s) will submit a written report detailing why it was unable to do so and a schedule showing when the rocks will be removed. Within one year after the permit to remove the rocks is issued, permittee(s) shall develop and submit to EPA a schedule for outfall inspection and maintenance to ensure that additional rocks have not obscured the outfall.

D. Additional Studies

1. In consultation with the NMFS, permittee(s) must conduct a study to determine to what extent shortnose sturgeon use the area near Little Falls for spawning. The study should be conducted over the course of three years and shall include, but is not limited to, the following: habitat mapping; identifying and sampling overwintering aggregations; tracking adult sturgeon from the overwintering grounds to the spawning sites; ichthyoplankton sampling for eggs and larvae and other measures approved by NMFS.

2. Permittee(s) shall consult with NMFS and support studies to evaluate habitat and the use of the Potomac River and Chesapeake Bay by shortnose sturgeon. NMFS will be given the opportunity to review any study plan that results from this consultation. Permittee(s) shall support studies to the extent agreed upon by NMFS and the permittee(s).
3. Permittee(s) shall consult with NMFS on a study to analyze nuclear DNA (nDNA) samples from specimens from the Potomac River and Chesapeake Bay. For the Potomac River shortnose sturgeon specimens, this study is to be performed on shortnose sturgeon caught in the Potomac River which may have been caught in conjunction with the study at Part III.D.2 above, the 1996 FWS Reward Program for Atlantic Sturgeon, or any other approved source of shortnose sturgeon known to be captured in the Potomac River. After agreement between NMFS and the permittee on a work plan, the permittee(s) shall carry out the study.
4. Within 3 months of permit issuance, the permittee(s) shall submit to EPA for review, a study plan to evaluate discharges for acute and chronic toxicity. Such studies shall include acute and chronic toxicity tests during each discharge on, among other species, Ceriodaphnia and 1 - 7 day old fathead minnows for acute tests. Studies shall include the study of sediment toxicity above and below each outfall annually for the life of the permit. Upon EPA review of the plan, permittee(s) shall perform toxicity monitoring after each discharge event. If 25% or more of any acute or chronic toxicity test series with any test species on an individual outfall occurs within one year of initiation of testing occurs, a plan for conducting a Toxicity Identification Evaluation (TIE) of that discharge will be prepared and submitted to EPA for approval. Upon approval of the TIE plan, TIE testing will be conducted for that outfall for each discharge during the following year. A written report describing the tests and results shall be submitted to EPA no later than February 1 of the calendar year following completion of the studies.
5. Within 3 months of permit issuance, permittee(s) shall submit to EPA and NMFS for review, a study plan to evaluate the biological and quantitative physical habitat of the Potomac River in the vicinity of the outfalls and a reference stream (e.g., York, Rappahannock, Susquehanna, Patuxent, or Delaware Rivers). The reference stream shall be as similar to the fishery and flow/water quality conditions as possible. This study plan shall include, but is not limited to macroinvertebrate and periphyton studies, conducted during each season of the year. Upon EPA review of the plan, permittee(s) shall conduct the studies one time during the life of the permit. A written report describing the tests and results shall be submitted to EPA and NMFS no later than February 1 of the calendar year following completion of the studies.

6. Within 3 months of permit issuance, permittee(s) shall submit to EPA and NMFS for review, a study plan to determine the effect of the solids (settleable solids, suspended solids and depositional sediment) on fish growth and spawning success. The study shall include testing on the effects of solids on egg and larval stages of surrogate fish species. Upon EPA and NMFS review, testing shall be conducted once during the life of the permit and no later than the second year following issuance of the permit. A written report describing the test results shall be submitted to EPA within 6 months of completion of the studies.
7. Permittee(s) shall perform a soil sampling study to characterize the 75 foot channels on National Park Service Property in which effluents from Outfalls 003 and 004 flow. The purpose of this study is to determine if the channel soils contain elevated levels of aluminum and iron from the effluent discharge.
8. In consultation with EPA, within one year of the effective date of this permit, permittee(s) shall perform a study to determine the percentage of sediments that may become remobilized during periods of high stream flow and how far downstream they might be released.
9. In consultation with EPA, within one year of the effective date of this permit, permittee(s) shall perform a study to determine whether or not floc clays and silts remain “flocced” and if sands remain “de-flocced.”
10. In consultation with EPA, within one year of the effective date of this permit, permittee(s) shall perform field sampling of bed sediments to determine the amount, location, particle characteristics, fate and historic and aggregation characterization of sediment deposited by released solids.

E. Requirements to Minimize the Impact of an Anticipated or Unanticipated Bypass on Shortnose Sturgeon

1. Between March 1 and May 15, 24 hours in advance of an anticipated bypass or within 24 hours of the commencement of an unanticipated bypass, permittee(s) must provide NOAA Fisheries with information regarding the water temperature in the vicinity of the outfall at which the discharge will occur. Prior to the anticipated bypass taking place or within 24 hours of the commencement of the unanticipated bypass, this information shall be faxed to the Endangered Species Coordinator, Protected Resources Division, at 978-281-9394, to the attention of Kim Damon-Randall.
2. In order to determine if an incidental take has occurred, in accordance with

NMFS protocols, permittee(s) must perform ichthyoplankton sampling immediately before, during and after a discharge which occurs during the shortnose sturgeon spawning period. If it is not possible to perform such sampling within 24 hours of the discharge event, permittee(s) must explain in writing why such sampling was not performed.